

House File 2462

H-8213

1 Amend House File 2462 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 22.7, subsection 11, paragraph  
5 a, subparagraph (5), Code 2014, is amended to read as  
6 follows:

7 (5) The fact that the individual resigned in lieu  
8 of termination, was discharged, or was demoted as  
9 the result of a final disciplinary action upon the  
10 exhaustion of all applicable contractual, legal, and  
11 statutory remedies, and the documented reasons and  
12 rationale for the resignation in lieu of termination,  
13 the discharge, or the demotion. For purposes of this  
14 subparagraph, "demoted" and "demotion" mean a change of  
15 an employee from a position in a given classification  
16 to a position in a classification having a lower pay  
17 grade.

18 Sec. 2. NEW SECTION. 22.13A Personnel settlement  
19 agreements — state employees — confidentiality —  
20 disclosure.

21 1. For purposes of this section:

22 a. "*Personnel settlement agreement*" means a binding  
23 legal agreement between a state employee and the state  
24 employee's employer, subject to section 22.13, to  
25 resolve a personnel dispute including but not limited  
26 to a grievance. "*Personnel settlement agreement*" does  
27 not include an initial decision by a state employee's  
28 immediate supervisor concerning a personnel dispute or  
29 grievance.

30 b. "*State employee*" means an employee of the state  
31 who is an employee of the executive branch as described  
32 in sections 7E.2 and 7E.5.

33 2. Personnel settlement agreements shall not  
34 contain any confidentiality or nondisclosure  
35 provision that attempts to prevent the disclosure of  
36 the personnel settlement agreement. In addition,  
37 any confidentiality or nondisclosure provision  
38 in a personnel settlement agreement is void and  
39 unenforceable.

40 3. The requirements of this section shall not be  
41 superseded by any provision of a collective bargaining  
42 agreement.

43 4. All personnel settlement agreements shall be  
44 made easily accessible to the public on an internet  
45 site maintained as follows:

46 a. For personnel settlement agreements with an  
47 employee of the executive branch, excluding an employee  
48 of the state board of regents or institution under  
49 the control of the state board of regents, by the  
50 department of administrative services.

1     *b.* For personnel settlement agreements with an  
2 employee of the state board of regents or institution  
3 under the control of the state board of regents, by the  
4 state board of regents.

5     Sec. 3. IMPLEMENTATION PROVISION. This Act shall  
6 not be construed to limit or impair the ability of law  
7 enforcement personnel to investigate any activity that  
8 may violate the laws of the state.

9     Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being  
10 deemed of immediate importance, takes effect upon  
11 enactment.

12     Sec. 5. RETROACTIVE APPLICABILITY. The following  
13 provision of this Act applies retroactively to January  
14 1, 2004:

15     1. The section of this Act amending section 22.7,  
16 subsection 11.>

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PETTENGILL of Benton